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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,746	10/03/2003	Mark A. McHugh	02940313AA	4901
30743 7	590 01/20/2006	EXAMINER		
	CURTIS & CHRISTOFF	HARLAN, ROBERT D		
	T HILLS ROAD		ADTIBUT	DADED MUMBED
SUITE 340			ART UNIT	PAPER NUMBER
RESTON, VA	20190		1713	
			DATE MAILED: 01/20/2006	5

Please find below and/or attached an Office communication concerning this application or proceeding.

		T					
		Application No.	Applicant(s)	·			
		10/677,746	MCHUGH ET AL.				
	Office Action Summary	Examiner	Art Unit				
		Robert D. Harlan	1713				
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the	ne correspondence address				
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DANSIONS of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. Of the priod for reply is specified above, the maximum statutory period or reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing ed patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICAT 36(a). In no event, however, may a reply but apply and will expire SIX (6) MONTHS to accuse the application to become ABANDO	ION.  e timely filed  from the mailing date of this communication  DNED (35 U.S.C. § 133).				
Status	,,						
1)[X]	Responsive to communication(s) filed on <u>01 No</u>	ovember 2005					
	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
3)	, <del>_</del>						
·	closed in accordance with the practice under E	·	•				
Disposit	ion of Claims						
· _	Claim(s) 1-27 is/are pending in the application.						
	4a) Of the above claim(s) <u>25 and 27</u> is/are withdrawn from consideration.						
	Claim(s) is/are allowed.						
7)⊠	Claim(s) 5-9,24 and 26 is/are objected to.						
8)□	Claim(s) are subject to restriction and/or	r election requirement.					
Applicati	on Papers						
9)□	The specification is objected to by the Examine	r.					
	The drawing(s) filed on is/are: a) acce		ne Examiner.				
	Applicant may not request that any objection to the						
	Replacement drawing sheet(s) including the correct	ion is required if the drawing(s) is	objected to. See 37 CFR 1.121(	(d).			
11)	The oath or declaration is objected to by the Ex	aminer. Note the attached Off	ice Action or form PTO-152.				
Priority ι	ınder 35 U.S.C. § 119						
_	Acknowledgment is made of a claim for foreign  ☐ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents		)(a)-(d) or (f).				
	2. Certified copies of the priority documents		ation No.				
	3. Copies of the certified copies of the prior						
	application from the International Bureau						
* 5	see the attached detailed Office action for a list	of the certified copies not rece	ived.				
	•1						
Attachmen	t(s)						
	e of References Cited (PTO-892)	4) Interview Summ	ary (PTO-413)				
2) 🔲 Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mai	I Date				
	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date	5) Notice of Information (6) Other:	al Patent Application (PTO-152)				

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### DETAILED ACTION

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## Election/Restrictions

1. Applicant's election with traverse of claims 1-24 and 26 in the reply filed on 11/01/2005 is acknowledged. At the end of prosecution, the Examiner will consider rejoining non-elected claims 25 and 27.

# Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.
- 3. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before

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November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

- 4. Claims 1-4 and 10-23 rejected under 35 U.S.C. 102(e) as being anticipated by Wynne et al., U.S. Patent No. 6,960,633 (hereinafter "Wynne"). Wynne teaches a fluoropolymer carbon dioxide composition and methods for processing fluoropolymers by reacting swollen fluoropolymer with materials, filler, CO<sub>2</sub>, etc. See Wynne, col. 3, line 48 through col. 4, line 22; col. 8, lines 28-44.
- 5. Claims 1-4 and 7-8 rejected under 35 U.S.C. 102(b) as being anticipated by Debrabander et al., U.S. Patent No. 6,051,682 (hereinafter "Debrabander"). Debrabander teaches the polymerization of fluoromonomer in the presence of CO<sub>2</sub> and a chemical agent (CTA). See Debrabander, col. 3, lines 2-22 and 43-57.
- 6. Claims 5-9, 24 and 26 are objected to for depending on a rejected base claim.

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#### Conclusion

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert D. Harlan whose telephone number is (571) 272-1102. The examiner can normally be reached on Mon-Fri, 10 AM - 8 PM.

- 8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David W. Wu can be reached on (571) 273-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.
- 9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert D. Harlan Primary Examiner Art Unit 1713

rdh